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OFFICE OF PETITIONS

In re Application of
BLUNDO
Application No.: 10/727,082
Filing Date: December 3, 2003
Attorney Docket No.: 32978

DECISION ON PETITION
UNDER 37 CFR 1.137(B)

This is a decision on the petition under 37 CFR 1.137(b), filed October 10, 2006 and October 17, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed June 24, 2005, which set a three month shortened statutory period for response. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on September 25, 2005.

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before June 8, 1995.

The petition does not satisfy item (1) above. In particular, the Office of Petitions has been advised that there were insufficient funds in Deposit Account No. 16-0875 to cover the excess number of independent claims which would be added by the proposed amendment if it were to be entered.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
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By fax: (571) 273-8300
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Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.


Bryan Lin
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Office of the Deputy Commissioner
for Patent Examination Policy